

## **REMARKS**

Applicants will address each of the Examiner's objections and rejections in the order in which they appear in the Office Action.

### **Claim Objections**

In the Office Action, the Examiner objects to Claims 43, 53, 61, 65-67, 70, 73 and 78 for informalities therein. Applicants are amending the claims as follows to correct these informalities.

No new matter is being added.

The informalities in Claims 43, 53 and 61 were mere printing errors in the claims. Accordingly, Applicants are amending the claims in accordance with the Examiner's suggestions to correct these printing errors.

The Examiner objects to Claims 65-67 as being identical to Claims 62-64. In order to advance the prosecution of this application, Applicants are canceling Claims 65-67 without prejudice or disclaimer.

Applicants are also amending Claims 70, 73 and 78 in accordance with the Examiner's suggestion.

Accordingly, the objections have been overcome, and it is respectfully requested that these objections be withdrawn.

### Claim Rejections - 35 USC §103

The Examiner also rejects Claims 68-78 under 35 USC §103(a) as being unpatentable over Shimada et al. (US 5,805,252) in view of Hirota et al. (US 5,926,240). This rejection is respectfully traversed.

In the Office Action, the Examiner contends that Shimada discloses a “switching element (TFT 40) formed over substrate (31)” and “insulating film (34) functions as a first insulating film formed over the switching element.” Applicants respectfully submit that the Examiner’s interpretation of the reference is incorrect.

As shown in Figs. 14 and 16, and col. 9, ln. 17 of Shimada, reference numeral 34 is not an interlayer insulating film but a gate insulating film. As stated at col. 9, lns. 38-41, TFT 40 functions as a switching element and “is formed by the gate electrode 33, the gate insulating film 34, the semiconductor layer 35, the source electrode 36, and the drain electrode 37.” Hence, film 34 cannot be a first insulating layer over switching element (TFT 40) since film 34 is part of TFT 40.

Therefore, Shimada does not disclose or suggest the claimed feature of a first interlayer insulating film formed over the switching element recited in independent Claims 68, 71 and 76. Accordingly, Claims 68-78 are patentable over the cited reference, and it is respectfully requested that this rejection be withdrawn.

### Double Patenting

The Examiner also rejects Claims 42-67 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-55 of US 6,426,787 and over Claims 1-36 of US 6,707,521. These rejections are respectfully traversed.

It is respectfully requested that this rejection be held in abeyance until the §103(a) rejection is overcome and the claims are in their final form.

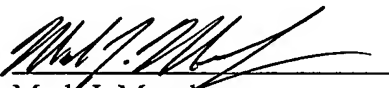
Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee is due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

  
Mark J. Murphy  
Registration No. 34,225

COOK, ALEX, McFARRON, MANZO,  
CUMMINGS & MEHLER, Ltd.  
200 West Adams Street, Suite 2850  
Chicago, Illinois 60606  
(312) 236-8500

Customer no. 000026568